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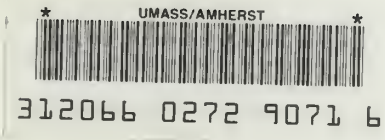
Massachusetts Guidelines and Standards for the Certification of Batterer Intervention Programs



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Governor

JANE SWIFT
Lieutenant Governor

WILLIAM D. O'LEARY
Secretary

HOWARD K. KOH, MD, MPH
Commissioner

September 1999

Dear Colleagues,

I am pleased to provide you with the Massachusetts Guidelines and Standards for the Certification of Batterer Intervention Programs.

In 1991, the Massachusetts Legislature mandated the Chief Justice for Administration and Management to establish a commission to create basic standards for batterer intervention programs which accept court referrals. The commission was composed of representatives from the judiciary and probation, as well as prosecutors and recognized experts in the field of domestic violence. Initially disseminated in 1991, the Guidelines were revised in 1995. By statute, batterer intervention programs are certified and monitored by the Massachusetts Department of Public Health.

Any and all future revisions of the Guidelines will be sent to you as an add-in page and will supersede prior versions of the Guidelines.

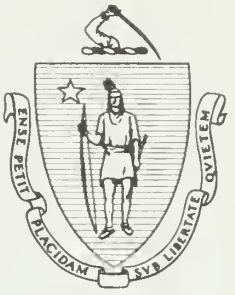
Best wishes in your continued efforts to keep victims of domestic violence safe.

Sincerely,

Howard Koh MD

Howard K. Koh, MD, MPH
Commissioner, Massachusetts Department of Public Health

Massachusetts Guidelines and Standards for the Certification of Batterer Intervention Programs



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health

March, 1995

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INTRODUCTION

Background

The enactment of St. 1990, c.403, provided significant amendments to G.L. c.209A, the "Abuse Prevention Act." Effective January 31, 1991, the amendments extended the provisions of the law by expanding the definition of family and household members to include all blood relatives, in-laws, or step-children, as well as to those engaged in substantive dating relationships. In order to end the cycles of recurring domestic violence, new statutory provisions (Section 3 of G.L. c.209A) permit a judge issuing a c.209A order to "recommend to the defendant that the defendant attend a recognized batterers' treatment program." For the purposes of this document a recognized program is a program certified by the Department of Public Health and assigned to a particular court. Under Section 3, justices of the District Court, Boston Municipal Court, Probate & Family Court, and the Superior Court Departments may make a recommendation for intervention. Furthermore, Section 7 permits a sentencing judge in those courts noted above under Section 3 with criminal jurisdiction (all except Probate & Family Court), "in addition to any other penalty" to require a defendant with no prior record of violent crime to attend a batterer intervention program certified by the Department of Public Health, after an evaluation by such a program.

Pursuant to the requirement that such programs to which court referrals are made be certified, Section 16 of the statute set up a commission, established by Chief Administrative Justice Arthur M. Mason, to develop "guidelines and standards for the certification of batterers' treatment programs by the Department of Public Health." Chaired by District Court Department Justice Austin T. Philbin, the commission developed the initial set of guidelines and standards in the spring of 1991. The language of the statute required that the commission's work be completed by July 31, 1991, and the Department of Public Health thereafter utilize the standards to certify and monitor batterer intervention programs.

In 1995, based on three years of experience with implementation of the guidelines, the Department revised the guidelines after extensive input from providers and interested members of the public and private sectors working on domestic violence issues.

Purpose

The purpose of the Massachusetts Guidelines and Standards for Certification of Batterer Intervention Programs (hereinafter "the Guidelines") is to set minimum standards by which intervention programs for court referred batterers will operate and be evaluated by the Department of Public Health (hereinafter "the Department" or "DPH").

1.0 PROGRAM CERTIFICATION

Pursuant to St. 1990, c.403 §16, "the department of public health shall certify and monitor batterers' treatment programs according to the standards established and promulgated by the Commission."

A. Once a defendant is ordered to attend a batterer intervention program by the court, only intervention programs that hold a valid certification granted by the Department shall be appropriate for court referrals.

B. The Department shall certify batterer intervention programs that meet the requirements of the Guidelines for a period not to exceed two (2) years.

1.1 Requirements for Certification

An applicant is qualified to operate a batterer intervention program if the program:

A. Is incorporated as a corporation in the Commonwealth of Massachusetts;

B. Has demonstrated that the program meets all requirements of the Guidelines;

C. Has demonstrated to the satisfaction of the Department that the program is responsible and suitable to operate a batterer's intervention program in compliance with the Guidelines. In determining whether an applicant is responsible and suitable, the Department shall consider all relevant information including, but not limited to, the following:

(1) The program's history of compliance in Massachusetts. Assessment of this factor shall include the ability and willingness of the program to take corrective action when notified by the Department of any violations.

(2) The program's history of compliance in other jurisdictions, including proceedings in which the program was involved, which proposed or led to a limitation upon, or a suspension, revocation, or refusal to grant or renew certification.

(3) The history of criminal conduct of the applicant, the administrators, officers or directors as evidenced by criminal proceedings against those individuals which resulted in convictions, or guilty pleas, or pleas of nolo contendere, or admission of sufficient facts.

D. Has demonstrated that the program meets the geographic distribution requirements set forth in Section 1.2;

E. Has demonstrated that the program is in compliance with all applicable state and federal laws, including but not limited to Title III of the Americans with Disabilities Act.

1.2 Program Distribution

A. Programs shall be certified based on geographic need and in a manner which avoids duplication of services. To document geographic need, programs shall submit to the Department information including but not limited to the following:

(1) Number of restraining orders issued by courts in the proposed service area; and

(2) A description of the proposed service area including a map that clearly delineates the service area.

B. Waivers for duplicated services may be granted where there is evidence that a historical relationship exists between a court division and a certified program, or in other rare or exceptional circumstances. Exceptions or waivers for duplication of services may be granted at the Department's sole discretion in the following instances:

(1) Pilot models which meet the Guidelines for accountable and safe batterer intervention.

(2) Programs which meet the Guidelines and which demonstrate that the existing program lacks the capacity to serve all referrals in a proposed service area.

(3) Programs which meet the Guidelines for accountable and safe batterer intervention and which specialize in services to under-served ethnic, linguistic and racial minorities.

1.3 Application for Certification

A. Each applicant for certification shall submit a completed application containing all the information required by the Department.

B. The Department shall require each applicant to provide the following administrative information in the application for certification:

(1) Name, address and telephone number of the batterer intervention program and all program sites.

(2) A statement of ownership of the program that discloses the names, addresses, and telephone numbers of all owners, directors and officers of the corporation and members of any governing or advisory boards.

(3) A copy of the corporation's articles of incorporation and bylaws.

1.4 Application for Renewal of Certification

Each applicant for renewal must submit a completed renewal application to the Department no later than sixty (60) days prior to the expiration of its current certification.

1.5 Non-Transferability of Certification

No certification shall be transferable from one program to another or from one location to another.

1.6 Change of Name, Ownership or Location

A. A batterer intervention program shall notify the Department, in writing, of any change in location, or name of the program.

B. A batterer intervention program that intends to change the location of a program to a different court division shall submit a completed application for certification at the new site at least thirty (30) days prior to the intended date of relocation.

C. In the case of the transfer of ownership of a batterer intervention program, the new owner(s) of the program shall file an application for certification within forty-eight (48) hours of a change in ownership. If timely filed, an application filed as a result of a transfer of ownership shall have the effect of certification for a period of three (3) months from the date of filing or until such time as the Department takes action on the application.

2.0 DEFINITION OF DOMESTIC VIOLENCE

For the purpose of these Guidelines, and as a reference for those who provide intervention services to perpetrators of domestic violence, the definition of domestic violence shall be understood as follows:

2.1 Abuse is a pattern of coercive control directed toward the victim.

Abuse is behavior that physically harms, arouses fear or prevents a victim from doing what he/she wishes. Relationships in which one partner uses assault and coercion can be found among married and unmarried heterosexuals, lesbians and gay males.

It is the intent of abusive behavior to undermine the will of the victim and to substitute the will of the perpetrator for the will of the victim. Perpetrators batter victims to achieve and maintain power over their victims. It is a myth that batterers resort to violence when they lose control. In fact, abuse is deliberate. Perpetrators select the targets of their abuse. They often choose the circumstances of their violence including the amount of injury inflicted by their assaults.

2.2 Abuse may consist of one, or a combination of two or more of the following behavioral elements:

A. Physical assault;

B. Verbal and emotional forms of assault and control such as intimidation, coercion, threats, isolation or degradation;

C. Economic forms of control such as withholding or denying access to money or other basic resources, sabotaging employment, housing or educational opportunities;

D. Sexual assault or coercion;

E. Social isolation such as possessiveness, jealousy, denying communication with friends, prohibiting access to transportation and telephone;

F. Failure to comply with immigration requirements making immigrant spouse unable to work and vulnerable to deportation and loss of child custody;

G. Stalking, harassing and on-going monitoring and pursuing of victim.

2.3 There is no behavior on the part of the victim which causes or excuses abuse. The perpetrator bears sole responsibility for his or her actions.

2.4 Substance abuse or psychopathology do not diminish responsibility for violence.

3.0 INTAKE AND EVALUATION

The standards which follow are the minimum to which a program must adhere to receive court referred clients.

3.1 Intake

The program must have necessary preliminary information prior to engaging in an evaluative process to determine the suitability of the perpetrator for the program.

A. The program shall require the following information from the perpetrator at intake:

(1) Name, telephone number, and address of the perpetrator;

(2) Social security number and date of birth;

(3) Employer;

(4) Partner's and/or victim's name;

(5) Driver's license number, motor vehicle registration, model, make, and year;

(6) A history of substance abuse;

(7) A history of any psychiatric illness including but not limited to threats or ideation of homicide or suicide, history of depression, paranoia;

(8) A history of the perpetrator's infliction of abuse, as defined in Section 2.0;

(9) Police reports (see 41 M.G.L. 98G), including any history of prior calls to the police department if available;

(10) The perpetrator's possession of and access to weapons. The use of weapons by the perpetrator to threaten, assault, or injure victim(s);

(11) The degree of possessiveness by the perpetrator toward the victim including if possible any forced periods of isolation visited on the victim by the perpetrator.

B. The program shall obtain copies of the Court Activity Record Information (CARI) from the referring probation department at the time of referral. In addition, the program shall obtain information regarding the perpetrator's compliance with court-ordered child support and/or alimony payments, and visitation orders and other orders from the Probate Court or from a referring Probate and Family Court probation department.

C. Programs shall require the perpetrator to provide an update of information in Sections 3.1.A.1-5 every three (3) months. A history and profile of the perpetrator's violent behavior should be developed, based on descriptions from criminal justice agencies, the victim(s), and other treatment providers. Pursuant to G.L. c.209A §7, the program shall indicate to the court whether the perpetrator is amenable to intervention.

D. The program shall make every effort to initiate intervention and evaluation within three (3) weeks from the perpetrator's contact with the provider.

E. The program must report to the court any non-compliance by a referred perpetrator in a timely fashion that does not compromise the confidentiality or safety of the victim(s) or current partner(s).

F. Programs shall attempt to contact the victim(s) in order to conduct a confidential interview (via telephone or letter if deemed safe) to provide and obtain the following information:

(1) Information about the program and limitations of the effectiveness of batterer program;

(2) Information on client's status including level of cooperation, and signs of increased violence;

(3) The history, level and scope of violence or abuse (see Section 2.2);

(4) Child abuse and abuse toward others after programs advise the partner of the limitations on confidentiality (see Section 7.1.J);

(5) Substance and alcohol abuse;

(6) Homicidal or suicidal ideation and attempts;

(7) History of mental illness and treatment (see Section 3.1.A.7).

The program shall keep information provided by the victim(s) and current abused partner(s) confidential. Programs shall inform victim(s) and current partner(s) at the outset of the conversation that they have the right to refuse contact or to participate in such an interview. Programs shall provide information and referral about available services but shall make it clear that the victim(s) and current partner(s) are not obligated to seek or participate in such services.

3.2 Evaluation Process

These Guidelines presuppose and mandate intervention for violent behavior. Treatment for substance abuse and other problems which may be deemed necessary as a part of a total intervention program do not replace intervention for domestic violence.

It remains clear that intervention may require more than confronting and educating about violent behavior and may include referrals to develop a sober and drug free life style, social skills, self-esteem, employment training or parenting skills.

A. The intake portion of the program shall explore with the perpetrator a number of areas which will further determine whether the perpetrator meets the admission criteria for batterer intervention services or whether other referrals are more immediately appropriate. The program shall evaluate whether any client should be required to engage in drug and alcohol, mental health or other intervention services while the individual is a participant in the program.

In determining a perpetrator's suitability for batterer intervention services, the program must evaluate and document the perpetrator's (1) history of violence and abuse toward adults and children; (2) history of substance abuse; (3) family history; (4) history of mental illness; and (5) problems in parenting.

B. The evaluation process shall involve no less than one (1) individual session nor more than eight (8) weeks in a rolling intake group. The process shall concentrate on the

perpetrator's suitability for batterers' group sessions.

Data to be considered are the perpetrator's:

(1) Attendance at sessions;

(2) Cooperation with rules;

(3) Participation;

(4) Freedom from violence or abusive behavior.

C. The program must evaluate the perpetrator's lethality, with a particular responsibility to warn victims and current partners deemed to be at high risk. The program must warn all victims and current partners that any violence could be lethal and that lethality or continued violence is impossible to accurately predict. The program must inform the Chief Probation Officer or Probation Officer in Charge and the referring court in writing and document all attempts to warn victims and current partners.

D. Programs must provide written notice to the court, in accordance with Sections 5.3 and 5.4, of any non-compliance by a referred perpetrator in a timely fashion that does not compromise the confidentiality or safety of victims and/or current partners.

E. The program shall have the means to either service or refer the perpetrator if the perpetrator shows a need in any of the areas outlined in Section 3.2.A.

F. The program must have linkages with other service providers, so that appropriate, allied referrals can be made. Participation in and seriousness about allied program participation shall be evaluated as a part of the intake process.

G. When it is apparent to a program during the evaluation process that a perpetrator has a drug or alcohol problem, a program shall make this information available to the Chief Probation Officer or Probation Officer in Charge and the referring court in writing for their consideration.

H. An agreement, specifying the responsibilities of both the program and the perpetrator shall be signed once it is determined that the client is suitable for the program. The agreement shall, at a minimum, reflect:

(1) The duration of intervention;

(2) An agreement as to the payment of the fee;

(3) An agreement to stop all forms of violence;

(4) An agreement to comply with all program rules regarding drug and alcohol use while in attendance at meetings;

(5) Appropriate waivers of confidentiality.

I. The intake and evaluation phase shall take no longer than eight (8) weeks. At the conclusion of the evaluation process, the program shall provide the Chief Probation Officer or Probation Officer in Charge and the referring court with a written summary evaluation as to the perpetrator's history and severity of abuse, description of violence as reported by the perpetrator, history of weapons used, evidence or concerns of drug abuse including alcohol, suitability for intervention, and willingness to accept any conditions of acceptance into the program.

4.0 INTERVENTION METHODOLOGY

Program intervention methodology shall primarily consist of group sessions whose purpose is to educate the perpetrator. The goals of the education and intervention program shall be the cessation of coercive, dominating and violent behavior, and the safety of the victim(s), current partner(s), and the children.

4.1 Specialized Groups

A. Composition of the groups shall be restricted to perpetrators of domestic abuse who are of the same gender.

B. A perpetrator shall attend a program of eighty (80) hours, with individual sessions of 1 ½ to 2 hours in length. In accordance with Sections 5.3 and 5.4, programs shall inform the referring court in writing on a timely basis of a batterer's failure to satisfactorily participate in the batterer intervention program so that the court may review the batterer's probation status. The intake session of the intervention program shall be no longer than eight (8) sessions in duration, and shall be considered a component of the eighty (80) hour program.

C. Groups shall, at some point, provide ample opportunity for participation in discussions and for feed back to the perpetrator.

D. The maximum size of groups is fifteen (15) participants.

E. The program has the responsibility to impose any reasonable conditions on participation in intervention services that it deems appropriate.

4.2 Educational Component

The curriculum of the educational component shall minimally include:

A. Identification, confrontation and change of abusive and controlling behaviors to victims including partners and children. All forms of physical abuse and intimidation shall be identified and challenged. Specific attention to emotional, mental, sexual and economic abuse shall be included.

B. Identification and discussion of the effects of violence and abuse on victims, including children who witness such abuse. The short and long term effects of violence on partners and children shall be enumerated. Clients shall be expected to take responsibility for creating these consequences; the exercises shall build empathy and take the perspective of the victims.

C. Confrontation of excuses for abuse. This shall include a philosophical stance that abuse is the sole responsibility and choice of the perpetrator; abuse is never justified.

D. Identification and practice of cooperative and non-abusive forms of communication. Perpetrators are expected to learn non-abusive and responsible ways of treating their partners and children.

E. Identification of cultural and social influences that contribute to abusive behavior without allowing these issues to excuse or justify individual responsibility for abuse.

4.3 Participation

Mandatory participation by the perpetrator in the program shall not extend beyond the perpetrator's term of probation. Programs may provide written recommendation to the Chief Probation Officer or Probation Officer in Charge and the referring court in writing that a batterer's participation in the program be extended beyond the period of time initially required (see Section 5.2). Upon receipt of such information, the referring court may review the batterer's probation status.

4.4 Individualized Intervention

It is recognized that a limited number of perpetrators may need individualized rather than specialized group intervention (e.g., adolescent batterers not appropriate for an adult group). This intervention shall focus on the violence and other abuse perpetrated by the offender.

4.5 Couples Counseling

Any form of couples or conjoint counseling or marriage enhancement weekends or groups are inappropriate initially and may be used only after the violence and coercion have ceased for a minimum of nine months and when the victim is not fearful of the perpetrator. Couples counseling shall not be considered a component of batterer intervention. Victims shall not be compelled to participate in couples counseling.

4.6 Inappropriate Methods

Theories or methods which in any way bring the victim into the circle of responsibility for the batterer's behavior or diminish the batterer's responsibility for the violence are inappropriate. While the following methods may, from time to time,

be incorporated into an intervention model that focuses on power and control in relationships, they are inadequate and inappropriate for batterer intervention if they stand alone as the focus of intervention:

A. Psychodynamic individual or group therapy which centers causality of the violence in the past;

B. Communication enhancement or anger management techniques which lay primary causality on anger;

C. Systems theory approaches which treat the violence as a mutually circular process, blaming the victim;

D. Addiction counseling models which identify the violence as an addiction and the victim and children as enabling or co-dependent in the violent drama;

E. Family therapy or counseling which places the responsibility for adult behavior on the children;

F. Gradual containment and de-escalation of violence;

G. Theories or techniques which identify poor impulse control as the primary cause of the violence;

H. Methods which identify psychopathology on either parties' part as a primary cause of violence;

I. Fair fighting techniques, getting in touch with emotions or alternatives to violence.

5.0 DISCHARGE CRITERIA

Programs shall have clearly defined discharge criteria incorporated in the agreement signed by the perpetrator and the program at the intake process.

5.1 Criteria for Program Completion

A. A perpetrator has remained violence free for no less than twenty (20) consecutive weeks prior to discharge.

B. A perpetrator has completed the program according to the intervention contract.

C. A perpetrator has accepted responsibility for violent behavior; ceased to blame the victim for violence; and recognized the adverse effects of his/her violent acts.

D. A perpetrator has met the financial obligation for the intervention.

5.2 Program Responsibilities upon Program Completion

A. The program shall provide a written summary to the appropriate Chief Probation Officer or Probation Officer in Charge and the referring court once all criteria have been met by the perpetrator. The discharge summary shall include information about the perpetrator's attendance and history of abuse while in the program.

B. The program shall notify the victim(s) and current partner(s) of program completion by the perpetrator, final evaluation, and recommendations for each perpetrator, unless the victim(s) or current partner(s) request not to be informed. The notification shall inform the victim(s) of the limitations of intervention services, specifically that program completion only indicates that there has been contractual and court compliance. The program shall advise the victim(s) and current partner(s) that program completion is not predictive of non-abusive behavior.

5.3 Unsuccessful Program Completion

A. Programs are encouraged to adopt the following two-tier policy:

(1) Program criteria for client termination shall at minimum include:

(a) Renewed physical assault, threats, stalking, or repeated or severe psychological abuse.

(b) Violation of restraining orders or other judicial orders that pertain to the safety of the spouse or partner and children.

(c) Severe or repeated disruptive or threatening behavior in groups or repeated failure to comply with reasonable program standards or agreements, or failure to actively participate in group sessions.

(d) Continued or repeated substance abuse including abuse of alcohol or prescription or illicit drugs during the months of program participation.

(2) Batterer intervention programs have the option of requiring clients to re-enroll in the intervention group from the beginning (and start intervention over) in the case of:

(a) Failure to meet agreed upon payment schedules;

(b) Poor attendance;

(c) Repeated lateness;

(d) Failure to comply with reasonable program standards or agreements; and/or

(e) Failure to actively participate in group sessions.

5.4 Program Responsibilities upon Termination of Perpetrator from the Program Prior to Completion

A. The program shall provide written notice to the referring court and the Chief Probation Officer or Probation Officer in Charge in the case of the violation of contracted provisions which may result in a further court action under c.209A §7.

B. If the referral of the perpetrator is under c.209A §3(i), the program shall provide written notice to the referring court and the Chief Probation Officer or Probation Officer in Charge.

C. The victim shall be notified.

D. The program shall have a written policy available to the court regarding the program's responsibility for admitting perpetrators who have not completed a program or are reordered to the program. As a part of the policy, the program shall be required to solicit input from the victim.

6.0 PROGRAM STAFFING

A. Staff employed by the batterer intervention program must be violence free in their own lives. No program shall hire an individual who has been a perpetrator of domestic violence or abuse (as defined in Section 2.0) unless the program director is satisfied that the potential staff member has successfully completed a certified batterer intervention program and has remained violence free in his/her life for a period of three (3) years. An individual hired by a batterer intervention program who has been a perpetrator of domestic violence but has not completed a batterer intervention program shall be violence free in his/her life for a period of seven (7) consecutive years prior to being hired.

B. In hiring new staff or assigning current staff to be group leaders, programs shall ask applicants about abusive and controlling behaviors they have used in their relationships. It is recommended in making this inquiry that applicants be asked to review a comprehensive list of abusive behaviors.

C. Program administrators responsible for hiring or assigning group leaders and supervisors shall attend a DPH-sponsored training on how to interview and assess people to do batterer intervention work.

D. Staff employed by the batterer intervention program must not use alcohol or drugs to

an extent or in a manner that is determined to impair the individual's ability to function in a responsible, professional manner.

E. Staff members employed by the program shall have a background which is free of conduct which bears adversely on his/her ability to provide required services. Potential staff shall not have engaged in conduct resulting in a criminal conviction included in a relevant Criminal Offender Record Information (CORI) report (see G.L. c.6 §167-178), or any other conduct, criminal or otherwise, deemed to impair the individual's ability to provide services.

F. The program shall provide orientation for all new employees to acquaint them with the program's philosophy, organization, intervention program, policies, procedures and goals.

G. Programs shall have staff who are reflective of ethnic and linguistic minorities within the communities served. Programs shall be linguistically accessible and culturally appropriate to communities of color in the geographic areas served.

6.1 Staff Educational Standards

All persons providing intervention with perpetrators of domestic violence must meet the following criteria:

A. All supervisory or consultant personnel shall have training and experience in working with perpetrators of, and adult and child victims of domestic violence.

B. Each program is required to have supervisory or consultant personnel with at least three (3) years of experience working with victims and three (3) years of experience working with perpetrators of domestic violence. The experience of no more than two (2) persons may be counted toward this requirement.

C. Each program is required to have at least one (1) person in a supervisory position who has three (3) years of experience in group facilitation.

D. Each staff person shall have successfully completed a minimum of twenty-four (24) hours of training in domestic violence and batterer intervention from a DPH-approved batterer intervention training program. In addition to the twenty-four (24) hours of batterer intervention training, each group leader shall observe at least six (6) batterer intervention group sessions led by staff from a DPH-approved training program.

E. The program shall provide ongoing staff training and regular, clinical supervision. Group leader supervision shall be provided once a week by staff with expertise in domestic violence and batterer intervention. Staff providing group leader supervision shall meet the education and experience requirements stated in Sections 6.1 B, C, and G. In instances where an intervention program lacks staff qualified to provide the required group leader supervision, consultation shall be provided on a bi-weekly

basis by a qualified consultant (see Sections 6.1 B, C and G) from a certified program. Intervention programs shall provide weekly supervision in addition to bi-weekly consultation in instances where an intervention program lacks staff qualified to provide the required clinical supervision.

F. Each certified program is required to have two (2) of their batterer intervention group sessions observed by staff from a DPH approved training program within three (3) months of attending a batterer intervention training.

G. All supervisory personnel shall have direct clinical experience with perpetrators and adult and child victims of domestic violence, with violence being the major focus of the intervention. The philosophical perspective of the intervention must be consistent with the Guidelines. Each certified program shall forward to the Department the names and credentials of the program supervisor. The Department reserves the right to interview the program supervisor.

H. Programs shall provide ongoing training on sexism, racism, homophobia, disabilities and other factors that impact on violent attitudes and behaviors.

I. Programs shall provide supervisory staff or access to outside consultants who are knowledgeable about psychiatric problems, substance abuse problems, post-traumatic stress disorder (PTSD), suicidal and homicidal ideation.

7.0 ADMINISTRATION AND FEE STRUCTURE

7.1 Intervention Program

A. Each intervention program shall be incorporated in the Commonwealth of Massachusetts with a governing board.

B. Each program shall provide physical, communication and programmatic access to persons with disabilities as needed. Each program shall have physically accessible facilities or a back-up plan to accommodate people with disabilities (e.g., alternative site locations, TTY, etc.).

C. Each program shall establish linkages with agencies providing services to battered women in order to facilitate interagency partner contacts and to include notification of victims and current partners if the perpetrator of abuse poses an immediate and serious threat to the health and/or safety of the victim(s), current partner(s) or children.

D. Each program shall establish a working relationship with the courts and particularly their probation and family service departments (within Probate and Family Court Department) as well as local police departments.

E. Each program shall require clients to sign a release of information/waiver of confidentiality upon entering the program. Such waiver shall, at a minimum, allow

the intervention program to obtain from and provide to victim(s), current partner(s), courts, Department of Social Services (DSS) and other intervention providers a transfer of information according to Section 3.1.

F. Each program shall have the responsibility to report to the court and/or the local police department and probation department continued acts or threats of violence reported by any offender who is court-referred into a certified program under G.L. c.209A §3(i) or §7. Programs have an obligation to warn the victim(s) and current partner(s) if the perpetrator of abuse poses an immediate and serious threat to the health and/or safety of the victim(s), current partner(s) or children. Programs shall inform the victim(s) and current partner(s) of options, and provide referrals to increase their safety.

G. Each program shall clearly document efforts to report recurring violence (see Section 7.1.F).

H. Each program shall develop a written agreement with its referring courts and probation departments about procedures and sanctions when the perpetrator commits another act of domestic violence or fails to comply with the intervention contract.

I. Each program shall inform the victim(s) and current partner(s) about the perpetrator's attendance at the program unless the victim(s) and current partner(s) request not to be informed. The program must inform the victim(s) and current partner(s) as to noncompliance (see Section 7.1.E).

J. Each program shall maintain the confidentiality of victims, unless it is specifically waived by the victim(s), or there is reasonable cause to believe that the victim(s) may be in imminent danger. Programs shall not coerce victims to waive their confidentiality. Programs shall inform victims of the limits of their confidentiality particularly in terms of mandated reporting of child abuse.

K. Information obtained from victims shall be kept in separate locked files using a coding system to avoid identification.

L. Programs must obtain CORI (Criminal Offender Record Information, G.L. c.6. ss 167-178) clearance for the purpose of screening potential intervention staff.

7.2 Fee Structure

Each program must have a clearly defined payment policy including provisions for indigent clients. Perpetrators are expected to contribute to the cost of the program. Chapter 209A, Section 8 provides that, "to the extent possible, the defendant shall be responsible for paying all costs for court ordered treatment."

A. Clients shall pay fee(s) for program services.

B. Programs may charge up to a maximum of $3,500 per client for the entire cost of attending an intervention program (inclusive of intake and evaluation).

(1) Programs may charge a fee for the intake and evaluation phase of the program separately from the fees for subsequent intervention services.

(2) Programs may charge fees for group sessions based on a sliding scale taking into account the client's ability to pay and thus enabling the perpetrator to afford services.

(3) Programs may negotiate a deferred payment schedule or partial payment for clients who demonstrate inability to pay the program's lowest fee(s).

C. If a client fails or neglects to pay the standard or reduced fees or fails to meet an agreed upon payment schedule, the program may submit a written report of such circumstances to the Chief Probation Officer or the Probation Officer in Charge and to the referring court (see Section 5.3.A).

8.0 PROGRAM MONITORING AND ASSESSMENT

Pursuant to St. 1990, c.403 §16, "the department of public health shall certify and monitor batterers' treatment programs according to the standards established and promulgated by the Commission."

8.1 The Department of Public Health shall monitor programs for compliance with the Guidelines. The monitoring and evaluation of certified programs shall include input from consumer groups including domestic violence staff in District Attorneys' Domestic Violence Units, probation departments, court departments, hospitals and battered women groups.

8.2 Recognizing confidentiality limitations, programs certified by the Department agree to cooperate with the Department, probation departments and the court in any evaluation process designed to assess compliance with the Guidelines, the cessation of the incidents of domestic violence, the recidivism of perpetrators, or other relevant topics.

8.3 The program shall establish a system for collecting statistical data and for reviewing this data in the future planning for the program. An organized system of data collection will provide the program with information to determine the type of participant best served by the program and any trends in referral and intake systems. DPH staff should participate in identification of information needs. Programs shall establish safeguards for ensuring the security of information and for protecting personal identifiers of program participants.

8.4 Each program shall establish contact with battered women's shelters and other domestic violence programs for the purpose of inviting monitoring, networking,

information sharing and support. An interchange of statistical data with other batterer intervention programs, battered women's programs, probation departments and other allied services is suggested to assist all agencies in planning future needs, standardizing terminology, and sharing pertinent data on individual participants and programs.

8.5 Batterer intervention programs shall make provisions in both budget and program operation for periodic, independent evaluations. The evaluations shall encompass actual program operations, written goals and objectives, as well as a cost analysis and the related effectiveness of those costs.

8.6 Batterer intervention programs shall offer education to the community about domestic violence and its consequences.

9.0 SITE VISITS AND INSPECTIONS

A. Authorized personnel of the Department may conduct site visits and/or inspect batterer intervention programs at any reasonable time without prior notice. All parts of the program, all staff and activities, and all records are subject to such visit and inspection.

B. The Department shall inspect batterer intervention programs within the first six (6) months of certification and annually thereafter. Additional inspections may be made, consistent with availability of staff, whenever, the Department deems it necessary for the enforcement of the Guidelines.

9.1 Notice of Deficiency

After every site visit in which a violation of the Guidelines is observed, the Department shall prepare a Notice of Deficiency, a copy of which shall be sent to the program. The Notice shall include a statement of the violations or deficiencies found, the provision(s) of the Guidelines relied upon, and a reasonable period of time for correction.

9.2 Plan of Correction

A. A program shall submit to the Department a written plan for correction of violations cited in a Notice of Deficiency within ten (10) days of receipt of the Notice.

B. Every plan of correction shall set forth, with respect to each deficiency, the specific corrective step(s) to be taken, a timetable for such steps, and the date by which compliance with the Guidelines will be achieved. The timetable and the compliance dates shall be consistent with achievement of compliance in the most expeditious manner possible.

C. The Department shall review the plan of correction for compliance with the requirements of the Guidelines and shall notify the program of either the acceptance

or rejection of the plan. An unacceptable plan must be amended and resubmitted within five (5) days of the date of Notice.

10.0 DENIAL, REFUSAL TO RENEW, REVOCATION AND LIMITATION OF CERTIFICATION

10.1 Definitions

A. Denial: Action by the Department rejecting an initial application for certification.

B. Revocation: Action by the Department removing a program's certification after the Department has certified the program but before the program's two (2) year certification expires.

C. Refusal to Renew: Action by the Department at the end of a two (2) year certification period rejecting a program's application for renewal.

10.2 Grounds for Denial, Refusal to Renew or Revocation of Certification

Each of the following, in and of itself, shall constitute full and adequate grounds on which to deny, revoke, or refuse to renew certification to operate a batterer intervention program.

A. Lack of legal capacity to provide the service(s) as determined pursuant to Section 1.1.A.

B. Lack of responsibility and suitability to operate a program, as determined pursuant to Section 1.1.C.

C. Failure to demonstrate need for a program in the proposed geographic area as determined pursuant to Section 1.2.

D. Failure to submit information required for certification.

E. Failure to meet any applicable provision of these Guidelines and/or

(1) Failure to submit an acceptable plan of correction pursuant to Section 9.2; or

(2) Failure to remedy or correct a cited violation by the date specified in the plan of correction as accepted or modified by the Department.

F. Failure of another batterer intervention program owned or operated by the applicant to comply with the Guidelines where such other program has been the subject of proceedings:

(1) Which resulted in the suspension, denial, limitation, revocation, or refusal of renewal of certification, or

(2) Which were initiated to suspend, deny, limit, revoke or refuse renewal but which were ultimately resolved by settlement.

G. Denial of entry to agents of the Department to conduct site visits or inspections or an attempt to impede the work of agents of the Department.

H. Obtaining or attempting to obtain certification by fraud, misrepresentation, or by the submission of incorrect, false or misleading information.

I. Criminal conduct by the owners or the administrators as evidenced by criminal proceedings which resulted in a conviction of, entry of a guilty plea or plea of nolo contendere or admission of sufficient facts for any criminal violation relating directly or indirectly to his/her fitness to operate a batterer intervention program including but not limited to:

(1) A crime relating to the operation of a batterer intervention program;

(2) Rape, assault or other violent crimes against persons; and,

(3) A drug related crime.

J. Operation of a batterer intervention program after the expiration of certification.

K. Operation of a batterer intervention program in a manner which fails to give proper client services.

L. Operation of a batterer intervention program which endangers the health or safety of clients or victims of domestic violence.

Nothing herein shall limit the Department's adoption of policies and grounds for denial, refusal to renew, or revocation of certification.

10.3 Limitation of Admissions

A. If the Commissioner or his/her designee determines that a batterer intervention program does not substantially comply with applicable Guidelines, and further determines that the deficiencies do not immediately jeopardize the health or safety of the program's clients or victims of domestic violence, the Commissioner or his/her designee, in lieu of revoking or refusing renewal of the program's certification, may provide that the program shall not admit any clients after a date specified by the Commissioner or his/her designee. The Commissioner or his/her designee shall not make such a decision until the program has been notified that the program does not substantially meet the provision(s) of applicable Guidelines and that a decision to limit admissions is contemplated, and the program has had a reasonable opportunity to correct the deficiencies.

B. If the Commissioner or his/her designee determines that a program's non-compliance with applicable Guidelines immediately jeopardizes the health or safety of the program's clients or victims of domestic violence, the Commissioner or his/her designee may order a program to limit or cease admissions immediately without affording the program a prior opportunity to correct.

C. If the Department initiates action to revoke or refuse renewal of certification, the Department may simultaneously order a program to limit or cease all further admissions. Such order shall be included in the Department's notice required by Section 10.4.B and shall not be subject to the requirements set forth in Section 10.3.A regarding a prior opportunity to correct.

D. A decision that a program shall not admit any clients after a date specified by the Commissioner or his/her designee may be rescinded when the Commissioner or his/her designee finds that the program is in substantial compliance with the provisions of applicable Guidelines.

10.4 Procedure for Denial, Revocation or Refusal to Renew Certification

A. Denial of Certification

If an application for original certification is to be denied, the Department shall provide the program with written notice of the ground(s) for the Department's action, the provision(s) of the Guidelines relied upon, and an opportunity to request a debriefing within fourteen (14) days of receipt of the Notice.

B. Revocation or Refusal to Renew Certification

If certification is to be revoked or refused renewal, the Department shall provide the program with written notice of the ground for the Department's action, the provision of the Guidelines relied upon, and an opportunity to request a debriefing within fourteen (14) days of receipt of the Notice. An aggrieved program may request a further appeal to a senior official in the Department within fourteen (14) days of the debriefing. If certification is to be revoked, the notice shall state the effective date of revocation. If renewal is to be refused, certification becomes null and void automatically upon the expiration date of the existing certification.

10.5 Notification and Referral of Clients

In the event of revocation or refusal to renew certification, the program shall take immediate steps to notify and to refer current clients to other appropriate, certified batterer intervention programs, in consultation with the Department, and to notify victims, partners, and relevant agencies of the referral.

10.6 Notification of the Courts

A. Whenever the Department initiates an action to limit admissions to a program or to deny, revoke or refuse renewal of certification, the Department shall provide written notice to the Chief Justice for Administration and Management of the Trial Court, the First Justice of the referring court, the Commissioner of Probation as well as the Chief Probation Officer or the Probation Officer in Charge of the referring court.

B. The Department shall provide written notice to the Chief Justice for Administration and Management of the Trial Court, the First Justice of the referring court, the Commissioner of Probation, as well as the Chief Probation Officer or the Probation Officer in Charge of the referring courts in writing of final action to deny, revoke or refuse renewal of certification.

11.0 VOLUNTARY CLOSURE

A certified intervention program shall submit to the Department a Notice of Intent to close or otherwise cease operating the intervention program at least thirty (30) days in advance of the proposed closure. Such notice shall include a plan for appropriate notice to and referral of current clients to other appropriate certified programs as well as notice to partners, victims, relevant agencies, and the Chief Justice for Administration and Management of the Trial Court, the First Justice of the referring court, the Commissioner of Probation, as well as the Chief Probation Officer or the Probation Officer in Charge of the referring court.

12.0 AMENDMENTS

The Department may develop additional Guidelines and may change these Guidelines as it deems appropriate.

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